

## Testimony by Dan Durso for Bill No. SB-845 2007

Good afternoon, Senator Prague, Representative Ryan, and members of the committee. My name is Dan Durso, and I'm a Trustee and Political Coordinator with Teamsters Local 559. Teamsters Local 559 is located in South Windsor and has approximately 1200 members in industries such as construction and food warehousing.

I'm here today to talk in support of Senate Bill 845, an Act concerning Light Duty. Let me first start off by telling about my co-worker of 27 years, Todd McCann. Todd and I started working together at a local oil company about 27 years ago. He couldn't be here today because of family commitments, so I'm here at his request. This is an example of how the existing light-duty language can rip the fabric out of a person's life.

Back in 2005, Todd injured his shoulder at work. He had surgery, and then his doctor returned him to work on light duty, which is a normal occurrence when making the transition back to full time duty. Todd returned to light duty on his normal shift, which runs from 6:00 a.m. to 2:30 p.m. Monday through Friday. Everyone was happy until one day, Todd told management he had to start going to therapy twice a week, per doctor's orders, which, under current worker's compensation regulations, you do during regular working hours.

Management was not happy anymore. Without any notice, management told him light duty was not available on his shift anymore. He would have to perform light duty now on the second shift, 4:00 p.m. to 12:00 a.m. So what prompted this change by the company? Did they have some immediate change in operations which required them to move Todd to the second shift? No this was an unjust and punitive action by management because Todd skewered their scheduling by having a need for physical therapy.

So why was this second shift a problem for Todd? His wife had been diagnosed with a terminal case of lung cancer and, after a long battle, was slowly dying. She had medical care during the day from various sources but needed him there at night to care for her. But that's not all. He also has a 35-year-old son living at home who is disabled with numerous ailments. His son, Cory, has had numerous brain tumors and operations, and he needs constant supervision and care. So Todd's nightly chores were doubled.

Basically, Todd's life had come down to working and then going home to care for his dying wife and sickly son. He had already exhausted any Family Medical Leave that he had, so he had to continue to work to keep his health benefits and his weekly worker's compensation benefits. When the company pressured Todd to report to light duty on second shift, Todd, like everybody else in this room would have done, said, no, I can't work second shift, because I need to care for my wife and son. So since Todd wasn't reporting to light duty, he wasn't eligible for his weekly worker's compensation benefits. Fortunately, because of our union healthcare benefits, he didn't lose healthcare, but he wasn't getting any income. He went through the different levels of hearings with Worker's Comp and it was ruled he had refused light duty, so there was no justice there.

Maybe you're wondering, was the company aware of Todd's dire circumstances? Sadly, yes, they were, they were fully aware, but they'd discovered a new trick, and they were going to use it, regardless of the situation. So what became of Todd? Well, his wife soon passed away, and soon after, he was released by the doctor to return to work. He worked for a few weeks, but it was difficult for Todd to continue to work there because of the way our company treated him so he took an early retirement.

Since that time, when someone gets hurt someone gets hurt on the job and is released to light duty, he's forced to an opposing shift. I see it as a purely punitive action, and it bedevils me the way the company uses this light duty to rip the fabric out of someone's family life.

We all know today there is a delicate balance to people's work schedules. Maybe one works at night and the other days so they can care for their children, or cares for an ailing spouse or parent. Maybe one parent takes classes at night and needs the other at home. One might be involved in civic groups or children's programs. Maybe there's just one parent involved, and switching their schedule could be disastrous.

Whatever, is this what light duty was intended for? A tool a company can use to rip the fabric out of your family life and force you back to work quicker, regardless of the consequences it inflicts? I think not. So I ask you, please, to do the right thing for the working people of Connecticut and support Senate Bill 845. Thank you all very much.